IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO.760 OF 2005
WITH
CRIMINAL WRIT PETITION NO.761 OF 2005

Smt.Radhika Sanjay Godse ..Petitioner

Vs.

Shri.Subhash Vishnu Gokhale
and Ors. ..Respondents

...

Mr.S.M.Oak i/b Ambar Joshi Advocate for Petitioner
Mr.Y.S.Shinde, A.P.P. for the State in
Cri.W.P.No.760 of 2005
Mr.S.R.Shinde, A.P.P. for the State in
Cri.W.P.No.761 of 2005.

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CORAM: SMT.V.K.TAHILRAMANI,J.
DATE : SEPT. 2,2005

P.C.

1. Heard the learned advocate for the petitioner and the learned A.P.P. for the State in both the petitions.

2. The petitioner is seeking quashing of proceedings relating to Criminal Case Nos.626 of 2002 and 809 of 2002 pending before the Chief Judicial Magistrate, Thane. In the said case,

process has been issued against the petitioner under Section 138 of Negotiable Instruments Act. The learned advocate for the petitioner submitted that the learned Magistrate committed an error in issuing process and the said process deserves to be set aside. It is further submitted that if the process issued against the petitioner is set aside, the proceedings in respect of the petitioner, would come to an end.

3. For the reasons recorded in my order dated 13th June, 2005 in W.P.No. 213 of 2005 and dated 21st June, 2005 in Cri.Application No.550 of 2005, I am of the opinion that the petitioner has an efficacious remedy of preferring revision against the order of Magistrate issuing process. Hence, in my view, it would be appropriate that the petitioner prefers a revision before the concerned Sessions Court against the order of the Magistrate issuing process.

4. Liberty is granted to the petitioner to prefer the necessary revision before the concerned Sessions Court. The learned advocate for the

petitioner makes a statement that the necessary revision will be preferred within four weeks from today. In view of this statement, the trial Court shall not proceed with the trial for a period of four weeks. It is made clear that the stay is granted to the proceedings qua accused no.5 only.

5. On the necessary revision being preferred by the petitioner before the concerned Sessions Court, the concerned Sessions Court shall dispose of the matter on merits after hearing the necessary parties.

6. Writ Petitions are disposed of.

[V.K.TAHILRAMANI,J.]